

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

CHRIS ALBERT RIBAUDO,

Plaintiff,

v.

OFFICER SAMUEL DESIMONE,

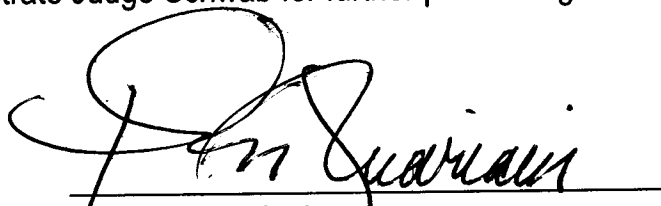
Defendant.

3:18-CV-1190
(JUDGE MARIANI)

ORDER

AND NOW, THIS 29th DAY OF APRIL, 2019, upon review of Magistrate Judge Schwab's Report and Recommendation ("R&R") (Doc. 31) for clear error or manifest injustice,¹ IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. 31) is **ADOPTED** for the reasons set forth therein.
2. Defendant's Motion to Dismiss Plaintiff's Complaint (Doc. 18) is **DENIED**.
3. The above-captioned action is **STAYED** pending resolution of Mr. Ribaudo's criminal charges in state court.
4. This case is **REMANDED** to Magistrate Judge Schwab for further proceedings consistent with this Order.


Robert D. Mariani
United States District Judge

¹ Plaintiff did not file Objections to the Magistrate Judge's R&R, and the Court therefore applies a "clear error or manifest injustice" standard when reviewing the R&R. However, the Court notes that following the issuance of the R&R, Plaintiff filed a letter (Doc. 32) in response to a previous Order of Magistrate Judge Schwab, wherein Plaintiff states that he does not want to "delay this matter any longer", that he wants to "testify to depositions", and does "not plea the 5th, to the depositions". Even assuming that these assertions may constitute Objections to the pending R&R, a *de novo* review of the R&R would still lead this Court to adopt Magistrate Judge Schwab's recommendation that this action be stayed pending resolution of Mr. Ribaudo's criminal charges.